

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DAVID CHARLES ANDERSON,)
Plaintiff)
v) CAUSE NO. 3:05-CV-027 RM
SHERIFF ALI-BALOGUN, *et al.*,)
Defendants)

OPINION AND ORDER

Plaintiff David Charles Anderson, a prisoner confined at the Miami Correctional Facility, requests leave to proceed *in forma pauperis* on appeal. Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” For the reasons stated in the court’s April 29, 2005 order, the court finds that this appeal is not taken in good faith. Mr. Anderson may still proceed with this appeal, but do so he must pay the full amount of the filing and docketing fees.

For the foregoing reasons, the court DENIES the plaintiff's motion for leave to proceed *in forma pauperis* on appeal (docket #17); AFFORDS the plaintiff to and including September 5, 2005, within to pay the \$255.00 appellate and docketing fees; and ADVISES him that if he does not pay the filing and docketing fees by that date, this appeal may be dismissed without further notice without affecting his obligation to pay the filing and docketing fees.

SO ORDERED.

DATED: August 8 , 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court